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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,663	02/28/2002	Kenichiro Ohtsuka	50212-356	2507
20277	7590	09/01/2005		
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER DOAN, JENNIFER	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,663

Applicant(s)

OHTSUKA ET AL.

Examiner

Jennifer Doan

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Applicants' communication filed on June 14, 2005 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendment made to the claims, are persuasive. In view of further search, however, a relevant document is found; therefore, a new rejection is set forth below. This action is **not** made final.

Specification

1. Claims 1, 5 and 16 are objected to because of the following informalities:

In claim 1, line 8, "the surface roughness" should be changed to "a surface roughness".

In claim 5, line 1, "the chamfering angle" should be changed to "a chamfering angle".

In claim 16, line 9, a period "." is missing at the end of claim 16.

Appropriate correction is required.

Applicants' cooperation is requested in correcting any other errors of which applicants may become aware in the specification.

Obvious Type Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 4, 5, 7-10, 11 and 14-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-8 of copending Application No. 10/754,630.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they essentially recite the same structure of an optical ferrule for an optical fiber connector. The claims are therefore **not** patentably distinct.

With respect to claim 4, Ohtsuka et al. substantially disclose all the limitations of the claimed invention except the opening diameter of the guide hole at the connection end surface is formed to be larger by 0.3 to 0.8 mm than the diameter of the guide hole inside the connector ferrule.

However, the opening diameter of the guide hole being larger by 0.3 to 0.8 mm than the diameter of the guide hole inside the connector ferrule is considered to be obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the opening diameter of the guide hole of Ohtsuka's device within the range as claimed for the purpose of making the fiber connection more stable, and it also has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it is noted that the applicant does not disclose criticality in the ranges claimed. *In re Aller*, 105 USPQ 233 (see MPEP § 2144.05).

With respect to claim 5, Ohtsuka et al. substantially disclose all the limitations of the claimed invention except the chamfering angle of the chamfer is 90 to 150 degrees.

However, the chamfering angle of the chamfer being 90 to 150 degrees is considered to be obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the angle of the chamfer of

Ohtsuka's device within the range as claimed for the purpose of making the fiber connection more easier and stable, and it also has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it is noted that the applicant does not disclose criticality in the ranges claimed. *In re Aller*, 105 USPQ 233 (see MPEP § 2144.05).

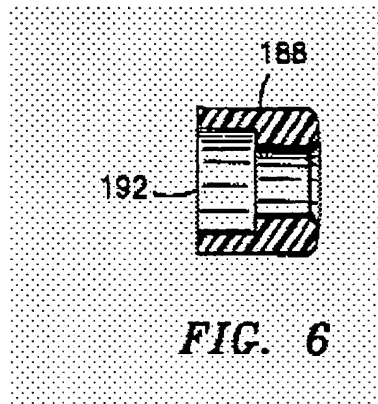
With respect to claim 10, Ohtsuka et al. substantially disclose all the limitations of the claimed invention except the length from the base of the curved portion of the guide pin is no less than 0.1 mm and no more than half of the diameter of the guide pin.

However, the length from the base of the curved portion of the guide pin being no less than 0.1 mm and no more than half of the diameter of the guide pin is considered to be obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the length of the guide pin of Ohtsuka's device within the range as claimed for the purpose of making the fiber connection more stable, and it also has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it is noted that the applicant does not disclose criticality in the ranges claimed. *In re Aller*, 105 USPQ 233 (see MPEP § 2144.05).

4. Claim 6 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-8 of copending Application No. 10/754,630 in view of Stein (U.S. Patent 5,557,696).

With respect to claim 6, Ohtsuka et al. substantially disclose all the limitations of the claimed invention except Ohtsuka et al. do not disclose the guide hole including a first hole portion with a constant diameter connected to the chamfer and extending inside the connector ferrule and a second hole portion connected to the first hole portion, extending to the end surface side opposite to the connection end surface and having a diameter larger than that of the first hole portion.

However, Stein (figure 6) explicitly discloses a connector ferrule having the guide hole including a first hole portion with a constant diameter connected to the chamfer and extending inside the connector ferrule and a second hole portion connected to the first hole portion, extending to the end surface side opposite to the connection end surface and having a diameter larger than that of the first hole portion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ohtsuka's device with the above features (accordance with the teaching of Stein) for the purpose of obtaining a better connector ferrule with low signal transmission loss and insertion loss.



This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

5. Applicants' arguments with respect to claims 1, 4-11 and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone

Art Unit: 2874

number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Doan

Patent Examiner

August 25, 2005